

**REMARKS**

Claims 1-90 are presently pending of which Claims 1-35 and 40-90 have been withdrawn from consideration. Claims 91-95 have been added herein. Support for these newly added claims is found at least at page 7, line 6 through page 10, line 25 and FIGS. 1 and 4 of the originally filed application. No new matter has been added.

**Rejection under 35 U.S.C. § 102**

The Examiner rejected Claim 36 as being anticipated by U.S. Patent 4,533,795, which issued to Baumhauer, Jr., *et al.* (hereinafter Baumhauer).

Claim 36 of the present application is directed to a hearing aid that includes a hearing aid enclosure, for example, enclosure 408 of FIG. 4, and a housing, for example, housing 101, disposed at a proximal end of the enclosure. The hearing aid also includes a transducer formed of a diaphragm, for example, diaphragm 103, comprising an electrically conductive membrane disposed opposite a conductive backplate, such as backplate 105, wherein the membrane and diaphragm extend in a plane parallel and proximate to and opposite a faceplate, such as faceplate 406, of the enclosure, which has sound openings, such as ports 409, formed through the faceplate.

Claim 36 has been amended to specify that the housing and a printed circuit board (PCB) are configured to provide an electromagnetic interference (EMI) shield around the transducer.

It is respectfully submitted that Baumhauer fails to teach or suggest all the limitations of Claim 36. Specifically, Baumhauer discloses an electroacoustic transducer formed within a semiconductor substrate. The transducer comprises a diaphragm that vibrates in response to an input signal at audio and/or ultrasonic frequencies; and a pair of electrodes placed with respect to the diaphragm so that the electric field between the electrodes varies in relation to the vibrating diaphragm to permit conversion between electrical and acoustic signals.

Baumhauer, however, does not teach or suggest a housing and a printed circuit board configured to provide an electromagnetic interference shield around a transducer.

Accordingly, the rejection is believed to be overcome.

Rejection under 35 U.S.C. § 103

The Examiner rejected Claims 37-39 as being unpatentable over Baumhauer.

Claims 37-39 depend directly from Claim 36, and thus include the patentable distinction over Baumhauer as set forth above.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner believes that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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